

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6902 of 2018**

Devkumar Sahu S/o Dayalu Ram Sahu Aged About 32 Years R/o
Santarabadi Durg Tahsil And District Durg CG

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Durg ,district Durg
CG

---- Respondent

MCRC No. 7403 of 2018

1. Sudeep Shah S/o Bholanath Shah Aged About 23 Years R/o Behind Swaroop Talkies, Santrabadi, Tahsil And District - Durg, CG
2. Lokesh Yadav S/o Ramesh Yadav Aged About 19 Years R/o Behind Digambar Jain Mandir, Deepak Nagar, Tahsil And District - Durg, CG

---- Applicant

Versus

State of Chhattisgarh through O.P. Jewara - Sirsa, P.S. Pulgaon,
District - Durg, CG

---- Respondent

For applicant in No. MCRC 6902/18	Mr. Jitendra Gupta, Adv.
For applicants in MCRC No. 7403/18	Mr. Rajesh Jain, Adv.
For Respondent/State	Mr. Suryakant Mishra, PL

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25-10-2018**

1. As both the above bail applications arise out of same crime number of same police station, they are being disposed of by this common order.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail applications are pending before any other court.
3. The applicants have been arrested in connection with Crime No. 177/2018 registered in police station Pulgaon, Distt. Durg (CG) for offence punishable under Sections 307, 147, 148, 149, 323, IPC.
4. Perused the case diary.
5. Prosecution story in brief is that on 27-5-2018 at about 22.15 hrs. in front of Kewal Hotel at village Chikhali, complainant Rakesh Shyam Kunwar, Virendra Patel and Asim Mishra were sitting. Applicants Dev Kumar Sahu, Sudeep Shah, Lokesh Yadav, and co-accused Deepak Sahu, Dharmendra, and Sumit Nayak reached there. Co-accused

Dipak caused blow by a sword to the complainant. Co-accused Sumit poured petrol on his body. Applicant Dev Kumar ignited match stick. Co-accused Sudeep Shah, Lokesh Yadav beat him by hands and fists. As per MLC report of the complainant, 30% burn injuries were found on the body of the complainant. On the memorandum of the co-accused Sumeet Nayak, one plastic cane containing petrol was seized from applicant Dev Kumar Sahu.

6. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they may be released on bail. It is argued on behalf of applicant Dev Kumar Sahu that alleged identification was conducted in police station. It is also submitted that in the dying declaration of the complainant it has been mentioned that applicant Dev Kumar Sahu did not reach there.
7. On the other hand, the State Counsel opposed the bail application.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicants.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge